UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re:

RODNEY TRIPP,

Debtor.

Case No. 16-13966-BFK
Chapter 7

MOTION TO RECONSIDER PURSUANT TO RULE 9023 AND MOTION TO AMEND PURSUANT RULE 9024

COMES NOW the respondent, VALOIT, LLC, by counsel, and for its motion to reconsider, states as follows:

FACTS

1. Counsel for the Debtor filed a *Motion for a Rule to Show Cause* (hereinafter "the Motion") on January 30, 2017. The Motion was duly served and noticed upon Valoit.
2. Valoit's representative, Mr. Pankaj Varshney, filed an opposition to that motion to show cause and appeared to argue the matter on February 14, 2017.
3. Mr. Varshney is not an attorney and is not an admitted member of the Virginia Bar.
4. The Court heard this matter on February 14, 2017. In its order of February 27, this Court ruled, for the reasons stated on the record, that Valoit should be held in civil contempt for failing to dismiss its active garnishment against the Debtor. The Court further awarded attorney's fees to the Debtor and directed the Debtor should file a statement within 10 days of its order, and that objections should be filed 10 days after filing of the Debtor's application.
5. On March 13, 2017 and March 16, 2017, Valoit, again through its representative Mr. Varshney, filed Responses and Objections to the Debtor's application. Those documents appear to be duplicate filings.

6. On March 22, 2017, this Court entered a further order striking Mr. Varshney's reply and amended reply, docket #32 and #33, and entered. attorneys' fee award in favor the debtor in the amount of $2,590.57.

ARGUMENT

7. As a preliminary matter, Valoit submits that the order should amended pursuant to Rule 9024. The Court's order of March 22 may contain a clerical error insofar as it directs that Docket Entry #32 be stricken, when that entry appears to contain the Debtor's reply. This order also leaves Docket Entry #31 on the record, when that entry contains the first of Valoit's two filings titled "Response And Objection to Request for Compensation of Counsel As Stated".

8. Valoit further submits that, in the Order to Show Cause entered by the Court on April 2, 2015, in the matter of *In Re Victor Jones,* 15-10408-BFK, Mr. Varshney was never advised in a hearing not to file further pleadings without counsel. It is admitted that Mr. Varshney did receive a copy of the Court's Order to Show Cause but the record also shows that Mr. Varshney abided by the spirit of that order and did not file any additional pleadings in that matter. That Order to Show Cause is attached hereto as Exhibit 1.

9. The record also reflects that, in its order of February 27, the Court recites that it did admonish and advise Mr. Varshney that, as a non-lawyer, he could not represent the interests of the corporation before the Court. However, the intervening order directing objections to be filed did not include a reference to that admonition nor did it direct Mr. Varshney that he must file such objection by counsel. While it is, in no way, the duty of any Court to advise *pro se* clients as to their obligations and duties under the rules

of that Court, the Court's order of February 27 can be read sympathetically to Mr. Varshney's position, in that the Court considered and denied, but did not strike, Mr. Varshney's arguments and, as part of the same proceeding, opened the door for him to file a final objection to the Debtor's fee application.

10. Valoit also submits that, in the service of the interests of justice, that it should be permitted to file an objection, by counsel, and argue the award of attorneys' fees. This end could be achieved by the Court's entry of an new order vacating or amending its March 22nd order to permit counsel for Valoit to file a new objection within 5 days of the new order.

11. Counsel for Valoit represents that he has counseled Mr. Varshney as to the requirement that his corporation file pleadings only with legal counsel. Counsel is further confident that Mr. Varshney understands this to be a serious requirement and that the rules of this Court do not permit the kinds of limited appearances allowed to corporations in the Virginia Courts. See Virginia Code §16.1-81.1, attached hereto as Exhibit 2.

WHEREFORE, Valoit LLC, respondent to the Show Cause order issued by the Court in this case, humbly and respectfully requests that this Court partially vacate its order of March 22, 2017, for the limited purposes of allowing five days for the Valoit LLC, by counsel, to file a written objection to the Debtor's application for attorney's fees and to allow amendment of the Court's March 22nd order to reflect that Docket Entries #31 and #33 be struck.

/s/ Patrick V. Foltz

Patrick V. Foltz, #76736
The Law Office of Patrick V. Foltz, P.C.
3158 Golansky Blvd., Suite 201
Woodbridge, VA 22192
Phone: (703) 553-2520

Fax: (703) 649-6446
Email: Pfoltz@foltzlawoffice.com
Counsel for Valoit, LLC

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was mailed by first class, postage prepaid, on April 5, 2017 to the following:

Ronald Aiani, Esq.
Ronald J. Aiani, P.C.
86 East Lee St.
Warrenton, VA 20186

Rodney Tripp
2416 Five Fathom Circle
Woodbridge, VA

Office of the U.S. Trustee
115 South Union Street, Room 210
Alexandria, VA 22314

/s/ Patrick V. Foltz, #76736
Patrick V. Foltz